

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|-------------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 06-0086 |
| |) | |
| |) | JUDGE CONTI |
| OHIO VALLEY GENERAL HOSPITAL, |) | |
| a Pennsylvania Corporation, |) | ELECTRONICALLY FILED |
| |) | |
| Defendant. |) | |

ORDER

AND NOW, to wit, this 11th day of February, 2008, after carefully reviewing the pleadings of record and listening to oral argument presented by counsel for the respective parties on January 18 and February 4, 2008, the Court has determined that it cannot definitively rule upon the Defendant, Ohio Valley General Hospital's, Motion for Summary Judgment asserting that the Release executed by the United States and Ohio Valley General Hospital in the case styled United States ex rel. Alderson v. Quorum Health Group, Inc., et al., Case No. 99-413-CIV-T-23B (Middle District of Florida) precludes the prosecution of certain claims alleged by the United States against Ohio Valley General Hospital that occurred during the time period from October 14, 1998 through February 24, 1999 in the instant action, without a determination as to the scope of the release by the Court retaining jurisdiction as to the release. The Court therefore directs the following:

IT IS HEREBY ORDERED:

- 1) That any claims contained in this present action during the above-referenced time period are dismissed without prejudice, subject to:
- 2) Ohio Valley General Hospital filing a Motion or other appropriate pleading with the United States District Court for the Middle District of Florida, Tampa Division, at 99-413-CIV-T-23B, within thirty (30) days of this Order, seeking a ruling from the Court as to the scope of the release in issue, as to Ohio Valley General Hospital;

Ohio Valley General Hospital is further directed to file, at least once every 60 days after entry of this order, brief status reports with this Court pertaining to the status of the requested relief being sought in the Middle District of Florida (Tampa Division).

IT IS FURTHER ORDERED, that if Ohio Valley General Hospital fails to file the appropriate pleadings with the Middle District of Florida within the time period mandated by this Order, then this Court's Order dismissing those claims of the United States will be vacated, and said claims will be reinstated.

BY THE COURT:

/s/ Joy Flowers Conti

UNITED STATES DISTRICT JUDGE

cc: All parties